

REMARKS**Amendments to the Claims**

Claims 35, 56 and 57 have been amended to more clearly define the subject matter which Applicant regards as the invention. Support for these amendments can be found in the specification, for example, at page 4, lines 15-19.

Rejection of Claims 35 and 56-57 under 35 U.S.C. § 112, second paragraph

Claims 35 and 56-57 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention.

Claims 35 and 56-57 have been amended to define that “the compound is administered alone or in combination of a second anti-cancer agent other than paclitaxel or a paclitaxel analog.” Therefore, the rejection is moot in view of the claim amendments.

Rejection of Claim 57 under 35 U.S.C. § 102

Claim 57 was rejected under 35 U.S.C. 102(e) as being anticipated by Koya *et al.* (U.S. Publication No. 2003/0119914).

Koya *et al.* teaches methods of treating a subject with cancer comprising administering a bis(thiohydrazide amide) compound of Formula (I) in combination with paclitaxel or an analog of paclitaxel.

Claim 57, as amended, is directed to a method of treating a human subject with melanoma comprising administering to the subject an effective amount of the compound depicted in the claim, wherein when the subject is co-administered with a second anti-cancer agent, the second anti-cancer agent is not paclitaxel or a paclitaxel analog. Therefore, Claim 57, as amended, is novel over Koya *et al.*

Rejection of Claims 34-35 and 51-57 under 35 U.S.C. § 103

Claims 34-35 and 51-57 were rejected under 35 U.S.C. § 103(a) as being obvious over Koya *et al.* in view of Everitt *et al.* (U.S. Publication No. 2002/0198160).

Koya et al. is not a proper prior art reference under 35 U.S.C. § 103(a)

The subject application claims priority to U.S. Provisional Application No. 60/440,406, filed on January 15, 2003. A copy of this provisional application, as filed, is submitted herewith as Exhibit A. The Examiner will note that each of the currently pending claims is fully supported by the U.S. Provisional Application 60/440,406. For example, support for Claims 34, 52 and 54 can be found at page 2, line 10; page 3, lines 5-6; page 20, line 29 through page 21, line 1; and Example 15. Support for Claims 51, 53 and 55 can be found at page 31, lines 26-28. Support for Claims 35, 56 and 57 can be found at page 2, line 10; page 4, lines 5-6 and 9-11; and at page 20, line 6. Therefore, the effective filing date for each of the currently pending claims is January 15, 2003.

Koya *et al.* published on June 26, 2003 and the effective filing date of the present application is January 15, 2003, based on its priority claim to U.S. Provisional Application No. 60/440,406. Therefore, Koya *et al.* published after the effective filing date of the present application. Moreover, the present invention and the invention described in Koya *et al.* are both assigned to the same assignee, Synta Pharmaceuticals Corp. The same ownership is evidenced by the Assignment documents for the present application (Exhibit B) and that for Koya *et al.* (Exhibit C). Therefore, according to 35 U.S.C. § 103(c), Koya cannot be considered as a prior art reference under 35 U.S.C. § 103(a)

Supplemental Information Disclosure Statement

A Supplemental Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the Supplemental IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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